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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,844	02/26/2002	Boris Rabinovich	PAS-171	1768
959	7590	03/07/2006	EXAMINER	
LAHIVE & COCKFIELD 28 STATE STREET BOSTON, MA 02109			SILVER, DAVID	
			ART UNIT	PAPER NUMBER
			2128	
DATE MAILED: 03/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/085,844	RABINOVICH ET AL.	
	Examiner	Art Unit	
	David Silver	2128	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-18 were originally presented for examination.
2. Claims 1-18 were rejected.
3. Claims 3 and 10 were cancelled and withdrawn from consideration.
4. Claims 1-2, 4-9, and 11-18 are currently pending in Instant Application.

Response to Arguments

5. Applicant's arguments filed 1/10/2006 have been fully considered but they are not persuasive for the reasons enumerated below.

Response: Examiner Notes

6. The Examiner thanks the Applicant for correcting the issues raised by inconsistent claim terminology.

Response: Claim Objections

7. The Examiner thanks the Applicants for correcting the issues relating to the objection of claims 1 and 8.
8. The objection to claims 1 and 8 has been withdrawn.

Response: Oath

8. The Examiner thanks the Applicants for providing 37 CFR 1.66/1.68—compliant oath.

Response: 35 USC 102 Rejection

9. Regarding claims 1-2, 8-9 and 15-18:

Applicants argue primarily that:

"There is no disclosure in Rappoport of sharing the "native data" between the first CAD application and the second CAD application." (Page 8 of response to Office Action)

The Examiner respectfully traverses this argument with the following:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., second CAD application can access the native data of the first CAD application ***directly***— page 9 paragraph 2) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

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specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Rappoport discloses sharing "native data" between a first CAD application and a second CAD application (**col: 6 line: 46-49**).

Applicants present no specific arguments with respect to claims 2, 8-9, 15-18. The Examiner therefore maintains the rejection of the claims.

10. Regarding claims 3-7 and 10-14:

The Applicants have merely recited an independent claim followed by a conclusionary statement. No specific arguments were made with respect to the dependent claims. The Examiner therefore maintains the rejection of the non-cancelled claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-2, 4-9, 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rappoport (**US Patent 6,614,430**), and in view of Kash, (**US Patent 6,542,937**).

12. As per claim 1, Rappoport discloses As per claim 1, Rappoport teaches in at least one electronic device, a method of sharing data between a first computer aided design (CAD) application (**source CAD model**) and a second CAD application (**target CAD format, col: 6 line: 46-49**), having the first CAD application storing the data in the form of feature information and feature history relating to a modeled object (**page 6 paragraph 2 (emphasis added), page 16 paragraph 2 from bottom (emphasis added), feature history ... changes made, feature information ... partial specification data, page 4 (see outlined section) with emphasis on lines 14-20**); providing the second CAD application with access to the feature information and feature history

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stored by the first CAD application (**page 14, paragraph 2 and 3 (emphasis added) with emphasis on communication and API that supports inter-process communication**); and the second CAD application reading the feature information and the feature history stored by the first CAD application, such that the second application can at least one of one of evaluate, recreate, regenerate, and model the modeled object, the feature information, and the feature history (**page 13 last line to page 14 line 2, evaluate ... read**). Rappaport does not however substantially disclose the data stored as native data and a sub-set of native data, wherein the sub-set of native data results from processing to native data with at least one routine from a first library of executable routines to derive the sub-set of native data. Kash however discloses an analogous system comprising the above features (**interface may be implemented through the use of a static library of API functions or as dynamic link library, page 14 lines 38-47**). It would have been obvious to one of ordinary skill in the art <data exchange> to combine the two references to object-oriented methods and data to eliminate the need for generic data files (**Kash: page 8 lines 35-55**) while facilitating compatibility.

13. As per claim 2, Rappoport teaches a method of claim 1, wherein storing comprises placing the native data and the sub-set of native data on a recordable medium (**page 9 lines 50 to page 10 line 14**).
14. As per claim 4 and 5, Rappoport discloses the method of claim 3 (see above rejection). Rappoport however does not substantially disclose the first library of executable routines is embedded within the first CAD program. Kash however discloses an analogous system with the said features (**page 14 lines 38-47 (emphasis added) "should be linked or use the same library of functions" ... executable routines embedded within or accessible by the first CAD program**). It would have been obvious to one of ordinary skill in the art <data exchange> at the time of Applicant's invention to combine the two references to create a compact (small in size / number of files required) application.

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15. As per claim 6, Rappoport discloses an electronic device having a method of sharing data between a first CAD program and a second CAD program according to claim 1 (see above rejection). Rappoport however does not substantially disclose that an application program interface is provided in the form of a plug-in that is accessible by a second CAD application. Kash however discloses an analogous system having the said features **(page 14 (see emphasized section), a linked library (sometimes called a DLL) performs its function as a plug-in into the main executable)**. It would have been obvious to one of ordinary skill in the art <plug-in design and programming> to combine the features of the two references to create a customizable, scalable and extendable CAD application **(p12 lines 4-6)**.
16. As per claim 7, Rappoport discloses method of claim 6, wherein native data and a sub-set of native data form the feature information and the feature history **(page 6 paragraph 2 (emphasis added), page 16 paragraph 2 from bottom (emphasis added), feature history ... changes made, feature information ... partial specification data, page 4 (see outlined section) with emphasis on lines 14-20)**.
17. As per claims 8-9 and 11-13, note the rejection of claims 1-2 and 4-7 above. The Instant claims are functionally equivalent to the above-rejected claims and are therefore rejected under same prior-art teachings (4 in combination with 5 correlates to 11).
18. As per claim 14, note the rejection of claim 1. Claim 14 is functionally equivalent to claim 1 but for the limitation of "without the first CAD application having to export a file containing the object" which is met by Rappoport's API data transfer teachings (page 13 lines 37-46) that do not necessarily employ a file for conveying the object. Rappoport however does not substantially disclose that an application program interface is provided in the form of a plug-in that is accessible by a second CAD application. Kash however discloses an analogous system having the said features **(page 14 (see emphasized section), a linked library (sometimes called a DLL) performs its function as a plug-in into the main executable)**. It would have been obvious to one of ordinary skill in the art

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<plug-in design and programming> to combine the features of the two references to create a customizable, scalable and extendable CAD application (**p12 lines 4-6**).

19. As per claim 15, Rappoport discloses in at least one electronic device, a method of communicating between a first application and a second application, comprising:
- generating feature information and feature history as an object is modeled in the first application; storing the feature information and feature history (**page 6 paragraph 2 (emphasis added to "providing" and "including"), page 16 paragraph 2 from bottom (emphasis added), feature history ... changes made, feature information ... partial specification data, page 4 (see outlined section) with emphasis on lines 14-20**);
 - and utilizing an application program interface (API) to retrieve the feature information and feature history and convey the feature information and feature history to the second application (**page 14, paragraph 2 and 3 (emphasis added) with emphasis on communication and API that supports inter-process communication**).

20. As per claims 16-18, note the rejection of claims 1, 8, and 15 above. The Instant claims are functionally equivalent to the above-rejected claims and are therefore rejected under same prior-art teachings.

Conclusion

21. Claims 1-2, 4-9, and 11-18 are rejected.
22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Silver whose telephone number is (571) 272-8634. The examiner can normally be reached on Monday thru Friday, 10am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on 571-272-2279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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